

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL R. SHEMONSKY,	:	Civil No. 04cv2759
Plaintiff	:	
	:	Judge Jones
v.	:	
	:	
THOMAS I. VANASKIE, et al.,	:	
Defendants	:	

MEMORANDUM AND ORDER

July 18, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is an Affidavit to Proceed *In Forma Pauperis* (“Affidavit to Proceed IFP”) (doc. 20) filed by Plaintiff Michael R. Shemonsky (“Plaintiff” or “Shemonsky”) on July 8, 2005. For the reasons that follow, we will deny the Application to Proceed IFP.

DISCUSSION:

28 U.S.C. § 1915(a)(1) states, in pertinent part, that:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

As required under 28 U.S.C. § 1915(a)(1), Plaintiff submitted a sworn

Affidavit to Proceed IFP to the Court on July 8, 2005 that included a statement of his general financial position, including assets, income, and expenses. (See Rec. Doc. 20). In the affidavit, Plaintiff swore the following: that he is not presently employed; that he was last employed on April 15, 2005 and the amount of wages per month he received was \$4200; that within the past twelve months he has received money from unemployment compensation in the amount of \$467 per week;¹ that he has \$2800 in cash and/or checking or savings accounts; that he does not own real estate, stocks, bonds, notes, automobiles, or other valuable property, excluding ordinary household furnishings and clothing; and that he does not have any dependents.

We note that up until April 15, 2005, Plaintiff was paid \$4200 a month and is currently receiving \$467 per week in unemployment compensation. The Court consequently finds that since the Affidavit to Proceed IFP does not satisfy the requirements of 28 U.S.C. § 1915(a)(1), leave to proceed *in forma pauperis* is not granted in the case sub judice.

¹ Although Plaintiff's handwriting is difficult to read it appears, that he has written that his unemployment compensation of \$467 per week "started after one week waiting period and for 6 months." (See Rec. Doc. 20 at 3).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's Affidavit to Proceed *In Forma Pauperis* (doc. 20) is DENIED.

s/ John E. Jones III
John E. Jones III
United States District Judge